IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

W.P.(C).No. 16529 of 2007(P)

PETITIONER:

R.VELAPPAN, HEAD MASTER,
GLPS., MUTHALAMADA, RESIDING AT ANU NIVAS,
KAMBRATHUCHALLA, MUTHALAMADA P.O.,
PALAKKAD.

BY ADV. SRI.C.P.PEETHAMBARAN
SRI.S.KRISHNA PRASAD (AYALUR)
SMT.MINI.V.A.

RESPONDENTS:

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1. THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.

2. K.MURALEEDHARAN, HEAD MASTER,
GTWLPS., THEKKADY, PALAKKAD DISTRICT.

3. THE HEAD MASTER, G.L.P.S., CHALLA,
MUTHALAMADA, PALAKKAD DISTRICT.

BY ADV. RRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.16529 OF 2007

Dated this the 6th day of June, 2007

JUDGMENT

Petitioner is working as a Headmaster in a Government Lower Primary School. By Ext.P3 order dated April 10, 2007, he was transferred from Muthalamada to Challa on his request. However, on May 29, 2007 the Department directed that petitioner be retained at Muthalamada itself. In other words his transfer to Challa was cancelled. The said order is impugned in this writ petition.

2. Petitioner has raised a contention that the entire exercise behind Ext.P6 is to help respondent no.2. But respondent no.2 who has appeared through counsel has refuted the allegations made against him. Anyhow, I do not propose to deal with the above contention in view of the submission made by the learned counsel for the petitioner. He submits that petitioner will be satisfied, if he is allowed to submit a representation before the appropriate authority highlighting his grievances, particularly the fact that he is suffering from cardiac problems.

3. In the peculiar facts and circumstances, I am satisfied that the request made by the petitioner can be allowed. Exts.P1 and P2 of course show that petitioner is undergoing treatment. In my view the said aspect of the matter has to be necessarily kept in view by the authority concerned while considering the request, if any, that may be made by the petitioner for a transfer to a station of his choice.

4. In the above facts and circumstances, writ petition is disposed of with the following directions:

Petitioner may, if so advised, submit a representation before respondent no.1 highlighting his grievance pursuant to Ext.P6 order within two weeks from today. If a request is made by the petitioner for a transfer to a station of his choice, the same shall be considered by the said authority with compassion and due sympathy. An appropriate decision on the said request shall be taken by the authority as expeditiously as possible, at any rate, within one month from the date of receipt of the representation. If the order to be passed by the authorities is likely to affect any other

employee, such of those employee shall also be heard before any decision is taken.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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